



Outpatient Competency Restoration Programs

What is Outpatient Competency Restoration (OCR)

In 2008, Senate Bill 867, 80th Texas Legislature, Regular Session, 2007, amended Code of Criminal Procedure, Chapter 46B, to allow for the outpatient treatment of individuals found incompetent to stand trial (IST). The 2008-09 General Appropriations Act, House Bill (H.B.) 1, 80th Legislature, Regular Session, 2007 (Article II, Department of State Health Services (DSHS), Rider 69) appropriated funds for the establishment and expansion of community mental health crisis services. In response, DSHS, now the Health and Human Services Commission (HHSC), established four pilot sites for OCR Programs. Through the 2012-13 General Appropriations Act, H.B. 1, 82nd Legislature, Regular Session, 2011 (Article II, DSHS, Rider 78), HHSC established seven additional OCR Programs.

As of December 2019, there are 13 OCR programs:

Local Mental/Behavioral Health Authority	Service Area
Andrews Center Behavioral Healthcare System	Tyler, Henderson, Rains, Smith, Van Zandt, Wood
Central Counties Services ¹	Bell, Hamilton, Lampasas, Coryell, Milam
Community Healthcore	Longview, Bowie, Cass, Gregg, Harrison, Marion, Panola, Red River, Rusk, Upshur
Emergence Health Network	El Paso
Heart of Texas Region MHMR Center	Waco area, Bosque, Falls, Freestone, Hill, Limestone, McLennan
Integral Care	Travis
MHMR Tarrant County	Tarrant
North Texas Behavioral Health Authority	Dallas, Ellis, Hunt, Kaufman, Navarro, Rockwall

¹ The Central Counties OCR program is funded through the Mental Health Grant for Justice-Involved Individuals (Senate Bill 292, 85th Legislature, Regular Session 2017).

Local Mental/Behavioral Health Authority	Service Area
Nueces Center for Mental Health and Intellectual Disabilities	Nueces
StarCare Specialty Health System	Lubbock, Cochran, Crosby, Hockley, Lynn
The Center for Health Care Services	Bexar
The Harris Center for Mental Health and Intellectual Disabilities ²	Harris
Tri-County Behavioral Healthcare	Liberty, Montgomery, Walker

Program Description

OCR Eligibility:

Individuals considered for OCR must be found IST prior to being referred for evaluation. Upon referral for assessment for OCR eligibility, a Licensed Practitioner of the Healing Arts (LPHA) (a licensed, masters-level clinician) conducts an assessment in the jail, or if the individual is out on bond, will schedule an appointment for the individual to be seen at the Local Mental Health Authority or Local Behavioral Health Authority. The LPHA will:

1. Conduct a screening for current psychiatric stability; and
2. Administer a risk of violence assessment to determine if the individual is at risk for committing a violent act while in the program.

Additionally, individuals are screened by the OCR treatment team psychiatrist. Collectively, the treatment team decides if an individual should be admitted to the program and makes a recommendation to the courts.

Criminal Offenses Permitted in the OCR program:

There are two types of offenses for which individuals are charged: misdemeanors and felonies. There are varying degrees of these offenses that may be allowable for OCR. Judicial officials, to include the Judge, District Attorney, and/or Assistant District Attorneys, in conjunction with OCR staff, are responsible for determining what offenses will be acceptable for outpatient treatment. It may vary by case depending on the individual's current offense, criminal history, and past and present psychiatric functioning.

Length of Stay in an OCR program:

² Funding awarded through Harris County Jail Diversion Program

Individuals charged with a misdemeanor are court-ordered for an initial 60-day period and individuals with a felony charge are court-ordered for a 120-day period. If the individual is not restored to competency within that initial restoration period, individuals can be granted a 60-day extension, should the court agree, or the individual may be transferred to a state mental health facility (SMHF) for treatment.³

Services Provided in the OCR program:

Individuals admitted to OCR will engage in competency restoration treatment. This treatment includes utilization of a competency restoration curriculum based on treatment implemented in inpatient state hospital settings in Texas, and inpatient and outpatient settings offered in other states. Individuals are seen by a psychiatrist and provided psychotropic medication. Additionally, once stabilized, individuals are linked to housing, employment, social security benefits, and other services that may be needed to establish long-term psychiatric and behavioral stabilization.

OCR Program Outcomes

OCR outcomes (completers only)	All time	State Fiscal Year 2019
Percent restored to competency	39%	32%
Percent of charges dismissed	21%	24%
Average length of service	176 days	219 days

OCR all clients served	All time	State Fiscal Year 2018
Percent that receive Level of Care (LOC) 3 or 4 services	90%	86%
Percent not enrolled in a LOC prior to OCR	52%	45%
Percent of individuals served with a prior state hospitalization	48%	38%
Percentage of Felony Offenses	50%	54%
Percentage of Misdemeanor Offenses	50%	46%

OCR Primary Goals

The primary goals for OCR are:

³ Senate Bill 1389 of the 86th Legislature proposes amendments to the length of time for competency restoration services.

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- Reduce the number of individuals determined to be IST on the SMHF waiting list for inpatient competency restoration services;
 - Increase prompt access to OCR services for individuals determined to be IST who do not require a restrictive hospital setting; and
 - Reduce the number of bed days in a SMHF used by forensic patients.